

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 00-057

WASTE DISCHARGE REQUIREMENTS FOR:

STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION

DIXON LANDING ROAD AT INTERSTATE 880 INTERCHANGE PROJECT, FREMONT,
ALAMEDA COUNTY, AND MILPITAS, SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, hereinafter Board, finds that:

1. The State Department of Transportation (hereinafter Caltrans), which maintains and operates Interstate 880 (hereinafter I-880) at the Dixon Landing Road Interchange (hereinafter interchange), proposes to reconstruct the interchange. This interchange project is comprised of the following sub-projects:
 - a. Replace the existing 2-lane surface street overcrossing of I-880 with a longer 8-lane overcrossing, including shoulders for bicycle access in each direction and a sidewalk on the south side;
 - b. Relocate existing I-880 entrance and exit ramps north of the overcrossing to conform with the new overcrossing;
 - c. Construct new I-880 entrance and exit ramps south of the new overcrossing, including a new bridged crossing of Penitencia Creek;
 - d. Acquire approximately 13.9 acres of land adjacent to I-880 at the project site to accommodate the interchange project and ultimate potential future freeway widening to 12 lanes (6 in each direction);
 - e. Replace the existing I-880 bridge crossing of Penitencia Creek with a wider bridge designed to accommodate a widened I-880;
 - f. Place pavement to widen the I-880 freeway to 10 lanes from the present 6 lanes; and,
 - g. Widen an existing culvert by approximately 24 feet and extend it by approximately 111 feet on Scott Creek where it flows under I-880 to accommodate widening of the freeway to 10 lanes, and ultimately, up to 12 lanes.

The following utility work must be completed to allow the interchange project to be constructed, and will be completed by Caltrans:

4. The interchange project will permanently fill 15.8 acres of wetlands for the interchange reconstruction and associated relocation of utility lines and will temporarily disturb 0.9 acres of wetlands in and adjacent to Scott Creek and Penitencia Creek as a part of the utility line relocation sub-projects. A total of 2.5 acres of temporary fill of wetlands was previously approved administratively, as described in Finding 2. All of this previously approved temporary fill is located within wetlands in the project footprint that will be permanently filled as a part of the presently proposed interchange project;
5. To mitigate for its permanent fill of 15.8 acres of wetlands and temporary disturbance of 0.9 acres of wetlands, Caltrans will complete the following:
 - a. Fund the restoration of 21.4 acres of tidal wetland at the Eden Landing Ecological Reserve (formerly known as the Baumberg Tract, hereinafter Eden Landing) in Hayward, Alameda County. These wetlands will include 12.6 acres of Mouse habitat. Eden Landing will be constructed, owned, and operated by the State Department of Fish and Game (hereinafter CDFG);
 - b. Provide additional funding of \$338,221 to CDFG to fund unforeseen design and operational expenses at Eden Landing;
 - c. Provide \$50,000 to complete a *spartina alterniflora* control pilot project at or near Eden Landing by the East Bay Regional Park District and the California Coastal Conservancy;
 - d. Transfer from Caltrans ownership to the USFWS' Don Edwards San Francisco Bay National Wildlife Refuge two existing parcels containing wetlands:
 - i) A 1.342 acre parcel adjacent to the Refuge's headquarters;
 - ii) A 0.250 acre parcel adjacent to I-880 at the interchange site; and,
 - e. Place \$260,000 in a trust fund with CDFG for a potential future wetland mitigation (i.e., creation, restoration, or enhancement) project to be determined by the U.S. EPA, CDFG, Corps, USFWS, and Board.
6. This Order requires Caltrans to identify additional mitigation it will complete and an appropriate time schedule for its completion, acceptable to the Executive Officer, to fully mitigate for the project's expected impacts to wetlands and other waters of the State. The additional mitigation may include creation of additional wetland acreage or other equivalent work. The Executive Officer will consider as a part of this additional mitigation the work proposed and/or completed using the \$260,000 listed in Finding 5.e.
7. Caltrans applied to the Board for Water Quality Certification for the project under Section 401 of the Clean Water Act on November 24, 1999, and, at the Board's request, separately submitted a Report of Waste Discharge for the project on March 31, 2000. On April 26, 1999, the Corps issued a Public Notice for a proposed Individual Section 404 permit for the project (Corps File No. 21079E12).

Regulatory Authority and Findings

8. The Board has determined to regulate the proposed discharge of fill materials into waters of the State by issuance of WDRs pursuant to Section 13263 of the State Water Code. The Board considers WDRs necessary to adequately address impacts and mitigation to beneficial uses of waters of the State from this project, to meet the objectives of the State Wetlands Conservation Policy (Executive Order W-59-93), and to expediently fulfill its obligations to act on an application for water quality certification.
9. The Board, on June 21, 1995, adopted, in accordance with Section 13244 et. seq. of the California Water Code, a revised Water Quality Control Plan, San Francisco Bay Basin (Basin Plan). This updated and consolidated revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 20, 1995, and November 13, 1995, respectively. A summary of regulatory provisions is contained in 23 CCR 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwaters. This Order is in compliance with the Basin Plan.
10. The subject wetlands and other waters are located in the Santa Clara Basin, tributary to the San Francisco Bay Lower Basin, and in and adjacent to Penitencia Creek and Scott Creek. The Basin Plan does not explicitly identify beneficial uses for these waters. However, the Basin Plan states that "[t]he beneficial uses of any specifically identified waterbody generally apply to all of its tributaries." The San Francisco Bay Lower Basin has the following existing beneficial uses defined in the Basin Plan: ocean, commercial, and sport fishing; estuarine habitat; industrial service supply; fish migration; navigation; preservation of rare and endangered species; water contact recreation; non-contact water recreation; shellfish harvesting; and wildlife habitat.
11. The Basin Plan Wetland Fill Policy (policy) establishes that there is to be no net loss of wetland acreage and no net loss of wetland value when the project and any proposed mitigation are evaluated together, and that mitigation for wetland fill projects is to be located in the same area of the Region, whenever possible, as the project. The policy further establishes that wetland disturbance should be avoided whenever possible, and if not possible, should be minimized, and only after avoidance and minimization of impacts should mitigation for lost wetlands be considered.
12. The goals of the California Wetlands Conservation Policy (Executive Order W-59-93, signed August 23, 1993) include ensuring "no overall loss" and achieving a "...long-term net gain in the quantity, quality, and permanence of wetland acreage and values...." Senate Concurrent Resolution No. 28 states that "[i]t is the intent of the legislature to preserve, protect, restore, and enhance California's wetlands and the multiple resources which depend on them for benefit of the people of the State." Section 13142.5 of the State Water Code requires that the "[h]ighest priority shall be given to improving or eliminating discharges that adversely affect...wetlands, estuaries, and other biologically sensitive areas."

Proposed Project

13. These WDRs apply to the temporary and permanent fill associated with the interchange project, which is comprised of the sub-projects and previously completed projects listed above which have been or will be completed by Caltrans. Construction of the interchange project will result in the temporary placement of fill in and/or disturbance of 3.4 acres of wetlands and permanent placement of fill in 15.8 acres of wetlands. The permanent impact of this fill on waters was identified as a potentially significant impact in the Environmental Impact Report/Statement (hereinafter EIR/EIS) certified for the interchange project.
14. On March 31, 2000, Caltrans submitted a Clean Water Act 404(b)(1) Alternatives Analysis and supplemental information described in the Staff Report to show that appropriate effort was made to avoid and then to minimize wetland disturbance, as required by the Basin Plan. The Board concurs with the conclusions of the Alternatives Analysis, as supplemented.
15. Caltrans has been one of the parties that has enabled the acquisition of Eden Landing and funding of the wetland creation activities there. WDRs will be considered separately by the Board for Eden Landing. Eden Landing will be constructed as generally described in the "Eden Landing Ecological Reserve Restoration and Management Plan: Mitigation Monitoring And Reporting Program" (May 2000 plan), dated May 2000, as subsequently amended by ongoing hydraulic and other analysis prior to future Board approval of a Final Restoration and Management Plan. Implementation of the May 2000 plan will result in the restoration and enhancement of approximately 835 acres of tidal marsh and inactive salt evaporation ponds. This work is comprised of restoring full tidal action to 570 acres of inactive salt ponds, creating 27 acres of new wetlands by removing existing levees, enhancing 126 acres of existing salt panne/snowy plover breeding habitat, and maintaining 95 acres of existing diked salt marsh. The May 2000 plan is hereby incorporated by reference into this Order. This funding of wetland restoration is a part of Caltrans' proposal to offset impacts to beneficial uses of waters of the State. As directed in the Provisions, Caltrans shall submit a final Restoration and Management Plan for the Eden Landing site, acceptable to the Executive Officer, no later than 30 days prior to the start of construction at the Eden Landing site.
16. Caltrans proposes to complete the interchange project, including its associated fills, over a period of approximately four years.
17. Discharges of storm water associated with construction activity will occur. The EIR/EIS certified for the interchange project identifies such discharges, including the pollutants associated with them, as a potentially significant impact. Caltrans is responsible for obtaining appropriate permits for these discharges, including complying with the rules and regulations of National Pollutant Discharge Elimination System (NPDES) permit requirements. This includes complying with the requirements of State Water Resources Control Board Order No. 99-06-DWQ and, prior to approval by the State of the Storm Water Management Plan required pursuant to section F.2 of that Order, Board Order 94-

098.

18. Discharges of storm water associated with the post-construction operation and maintenance of I-880, the ramps, overcrossing, and remainder of facilities at the interchange site will occur following completion of construction of the interchange project. The EIR/EIS certified for the interchange project identified such discharges, including the pollutants associated with them, as a potentially significant impact. Caltrans, and its agents are responsible for obtaining appropriate permits for these discharges, including complying with the rules and regulations of National Pollutant Discharge Elimination System (NPDES) permit requirements. This includes complying with the requirements of State Water Resources Control Board Order No. 99-06-DWQ and, prior to approval by the State of the Storm Water Management Plan required pursuant to section F.2 of that Order, Board Order 94-098.
19. Because of the project's proximity to sensitive resources, including endangered species habitat, and potential to discharge materials that could significantly impact those resources, this Order requires Caltrans to submit separate Storm Water Pollution Prevention Plans (SWPPPs) for the utility and non-utility portions (sub-projects) of the project at least 7 or 30 days prior to the beginning of construction for each sub-project.
20. Discharges during construction of ground water or other non-storm water that has accumulated in utility trenches or other portions of the project may be required. This Order allows such discharges, contingent on submittal of an acceptable discharge plan at least 14 days prior to such a discharge.
21. As a part of the Board's consideration of appropriate mitigation measures for the project's post-construction/operation-stage direct and cumulative impacts to water quality and beneficial uses of waters of the State, this Order requires Caltrans to submit, at least 30 days prior to construction, a site-specific Storm Water Management Plan (SWMP), acceptable to the Executive Officer, including appropriate design measures and storm water treatment controls to minimize and mitigate those impacts. These impacts include potential impacts resulting from the discharge of pollutants associated with operation of I-880 and the interchange and hydromodification (i.e., the changes in runoff volume and/or timing resulting from increases in impervious surfaces and changes in drainage system design). A SWMP appropriately designed to maximize benefits to water quality and beneficial uses of waters of the State could also satisfy Caltrans' requirement under its NPDES permits to control pollutants to the maximum extent practicable using best available technology/best control technology. For Caltrans to remain in compliance with these standards, future widenings of I-880 or modifications of the interchange must retain the proposed measures, or else implement equivalent or more protective measures.
22. On April 26, 2000, Caltrans submitted additional information to support its conceptual SWMP for the interchange project. The conceptual SWMP, as revised by Caltrans' April 26, 2000, submittal, is not yet acceptable to the Board. Additionally, as proposed, the conceptual SWMP fails to satisfy Caltrans' requirement under its NPDES permits to control pollutants to the maximum extent practicable using best available technology/best

control technology. As described in Finding 21, this Order requires Caltrans to submit a site-specific SWMP, acceptable to the Executive Officer.

23. Caltrans has proposed to construct approximately 700 feet of the southbound on-ramp from Dixon Landing Road to I-880 using tire shreds from approximately 1,000,000 tires. On April 19, 2000, the Executive Officer conditionally waived WDRs for this project. The Waiver of WDRs allows this use, subject to certain conditions. This Order requires Caltrans to submit a plan showing how the portion of the project with tire shreds will be constructed.
24. The California Environmental Quality Act (CEQA) requires all projects approved by State agencies to be in full compliance with CEQA, and requires a lead agency to prepare an appropriate environmental document (e.g., Environmental Impact Report or Negative Declaration) for such projects. The Board finds, after review of the project's environmental documents, that all environmental impacts have been identified and, with compliance with the conditions of this Order, will be mitigated to a level of insignificance.
 - a. Caltrans certified an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the interchange project on February 25, 1999, and a Notice of Determination was received by the State Clearinghouse on April 27, 2000. The EIR/EIS identified potentially significant impacts to water quality and beneficial uses of waters of the State. These have been discussed above.
 - b. The California Integrated Waste Management Board certified a Negative Declaration for the use of tire shreds in road base on March 21, 2000. The potential water quality impacts identified in the Negative Declaration have been incorporated into the conditions of the April 19, 2000, Waiver of WDRs issued allowing the use of tire shreds as proposed in this project.
25. Pursuant to Title 23, California Code of Regulations 3857, the Board is issuing WDRs for the project as described herein, and will not act on Caltrans' application for Water Quality Certification.
26. The Board has notified the Corps, Caltrans, PG&E, Air Products, and interested agencies and persons of its intent to prescribe WDRs for this discharge.
27. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that Caltrans, in order to meet the provisions contained in Division 7 of the State Water Code and regulations adopted thereunder, shall comply with the following, pursuant to authority under Sections 13263 and 13267 of the State Water Code:

A. Discharge Prohibitions

1. The direct discharge of wastes, including rubbish, refuse, bark, sawdust, or other solid wastes into surface waters or at any place where they would contact or where they would be eventually transported to surface waters, including flood plains, is prohibited.
2. The discharge of floating oil or other floating materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
3. The discharge of silt, sand, clay, or other earthen materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
4. The wetland fill activities subject to these requirements shall not cause a nuisance as defined in Section 13050(m) of the State Water Code.
5. The discharge of decant water from active dredging or fill sites and dredged material stockpile or storage areas to surface waters or surface water drainage courses is prohibited, except as conditionally allowed following the submittal of a discharge plan or plans as described in the Provisions.
6. The groundwater in the vicinity of the project shall not be degraded as a result of the placement of fill for the project.
7. The discharge of materials other than storm water, which are not otherwise regulated by a separate NPDES permit or allowed by this Order, to waters of the State is prohibited.
8. The discharge of drilling muds to waters of the State, or where such muds could be discharged to waters of the State, is prohibited.

B. Provisions

1. Caltrans shall comply with all Prohibitions and Provisions of this Order immediately upon adoption of this Order or as provided below.
2. Caltrans shall submit copies of all necessary approvals and/or permits for the project and mitigation projects from applicable government agencies, including, but not limited to, the State Department of Fish and Game, San Francisco Bay Conservation and Development Commission, U.S. Fish and Wildlife Service, East Bay Regional Park District, and U.S. Army Corps of Engineers, prior to the start of construction.

Mitigation Project Implementation Deadlines

3. Caltrans shall submit a Final Restoration and Management Plan for Eden Landing (Plan), acceptable to the Executive Officer, no later than 30 days prior to the start of construction at Eden Landing, and no later than January 2, 2001. If the Plan has not been finalized by January 2, 2001, Caltrans and CDFG shall submit a schedule, acceptable to the Executive

Officer, for the completion and implementation of the Plan. Caltrans acknowledges that it is solely responsible for completion of all its mitigation requirements pursuant to this Order. The Plan shall include all appropriate information related to the construction, maintenance, and operation of Caltrans' mitigation at the site, including, but not limited to:

- a. A time schedule for the construction of the proposed mitigation at Eden Landing;
 - b. A map of the entirety of the Eden Landing project site, showing the portion of the project site on which a minimum of 21.4 acres of tidal wetlands will be created for Caltrans;
 - c. A finalized, signed agreement, pursuant to Section 2090 of the State Fish and Game Code, between Caltrans and CDFG regarding Caltrans' funding of mitigation at Eden Landing, and demonstrating CDFG's commitment to construct and subsequently maintain such mitigation in perpetuity;
 - d. A finalized, signed agreement between CDFG and Caltrans and/or the Cities of Milpitas and Fremont and/or other appropriate entities regarding the full funding and additional funding for work at and in the vicinity of Eden Landing;
 - e. A conservation easement or other appropriate legal limitation on the use of the Eden Landing project site adequate to demonstrate that the site will be maintained without future development or encroachment on the site or other activities which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the State it supports. The conservation easement or other limitation shall prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland functions and values of the site. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, paved maintenance roads, and areas of maintained landscaping for recreation, excepting landscaping or paving associated with the Bay Trail, should the trail be proposed to cross the Eden Landing site; and,
 - f. A schedule for the annual submittal of mitigation monitoring reports to the Board.
4. Implementation of the Plan at Eden Landing, including earthmoving activities, shall commence no later than September 2001. The Board may reconsider the terms of this Order should concerns with the success or the timeliness of implementation of the Plan become known.
 5. Caltrans shall create a segregated account to provide financial assurance in the amount of \$3,800,000, to ensure the timely beginning of construction of its proposed mitigation at Eden Landing. In the event permits or other appropriate approvals have not been issued for Eden Landing by all agencies from which such approvals are required by June 30,

2001, and/or if construction at Eden Landing has not commenced by September 2001, Caltrans shall identify mitigation to be completed using the \$3,800,000, and Board staff, NEPA 404 Team (including the Corps, USEPA, and USFWS), Cities of Fremont and Milpitas, the Santa Clara Valley Transportation Authority, and Caltrans will convene to approve the new proposal. Caltrans shall submit a formal proposal/mitigation plan, acceptable to the Executive Officer, no later than June 1, 2002, for the use of this assurance. The assurance shall be fully disbursed to be used for wetland creation or other wetland restoration or enhancement projects to be determined as described above. Such projects shall be designed to appropriately enhance beneficial uses of waters of the State.

6. By August 1, 2000, Caltrans shall submit, acceptable to the Executive Officer, a final mitigation plan for the remainder of the project's mitigation, except that listed in Provision B.7. The plan shall include:
 - a. All appropriate information regarding the two parcels to be transferred to the USFWS, including:
 - i) A time schedule for the transfer of the parcels to USFWS ownership;
 - ii) Location and site maps and photographs of the land to be transferred to USFWS; and,
 - iii) Provisions for reporting the transfer to the Executive Officer no later than 60 days after such transfer is completed;
 - b. A copy of the agreement providing that payment to CDFG of at least \$338,221 beyond the payments required for construction and maintenance in perpetuity of 21.4 acres of tidal wetlands at Eden Landing will be made at the time Eden Landing is permitted;
 - c. An agreement document on the *Spartina Alterniflora* pilot control project, including:
 - i) A schedule for implementation, including dates for submitting a proposed pilot project design to the Board, acceptable to the Executive Officer. The schedule shall provide that the full \$50,000 funding for the project be made available by September 1, 2000; and,
 - ii) A list of entities responsible for completing the project; and,
 - d. A tentative or conceptual agreement document for the use of the \$260,000, including:
 - i) A schedule for implementation, including dates for determining which project will be funded; and,
 - ii) A process by which the agencies will come to agreement on determining which project will be funded.
 - e. A copy of the agreement for providing the \$3,800,000 financial assurance for an alternative mitigation site(s) in the event that Eden Landing is not fully permitted

and/or work does not begin in a timely manner as required in the Provisions, and proof that the \$3,800,000 has been placed into a segregated account.

7. No later than September 1, 2001, Caltrans shall submit, acceptable to the Executive Officer, a conceptual proposal for the creation of between ten and twenty acres of additional mitigation wetlands or other equivalent mitigation in addition to the mitigation that has been proposed. The conceptual proposal shall include an implementation schedule, maps, list of parties to the agreement, construction plans, a report or discussion explaining why the amount, type, and timing of mitigation proposed adequately mitigates this project's remaining impacts, and all other information, as appropriate. Additionally, the proposal shall include in its analysis credit for additional mitigation the project completed or to be completed using the \$260,000 provided as described in Finding 5.e. Construction of additional mitigation shall commence no later than July 1, 2002.

Notice of Mitigation Completion

8. When Caltrans, through CDFG, has determined that the mitigation has achieved the final success criteria at Eden Landing, it shall submit a notice of mitigation completion (notice), acceptable to the Executive Officer. The notice shall include a status report on the implementation of the long-term maintenance and management portion of the Plan. After acceptance of the notice in writing by the Executive Officer, Caltrans' submittal of annual mitigation monitoring reports for Eden Landing is no longer required.
9. Any changes to the final mitigation plans referenced in the Provisions must be approved in writing by the Executive Officer.

Other Provisions

10. All reports pursuant to these Provisions shall be prepared under the supervision of suitable professionals registered in the State of California.
11. Caltrans shall immediately notify the Board by telephone whenever an adverse condition occurs as a result of this discharge. An adverse condition includes, but is not limited to, a violation of the conditions of this Order, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. Pursuant to Section 13267(b) of the California Water Code, a written notification of the adverse condition shall be submitted to the Board within two weeks of occurrence. The written notification shall identify the adverse condition, describe the actions necessary to remedy the condition, and specify a timetable, subject to the modifications of the Board, for the remedial actions.
12. No later than 7 days prior to the initiation of the utility line relocation sub-projects, Caltrans shall submit a Storm Water Pollution Prevention Plan (SWPPP), acceptable to the Executive Officer, for each sub-project. The SWPPP shall be prepared according to the requirements of the NPDES Construction General Permit (Statewide NPDES General Permit CAS000002). The SWPPP for each sub-project shall include plans for the

project's proposed directional drilling under Penitencia Creek (if directional drilling is used), including staging sites, drilling mud treatment and storage measures, monitoring provisions for ensuring that the possibility of bore hole failure is minimized, and a description of where used drilling muds will be disposed. If boring and jacking is used, the plan shall include appropriate information and BMPs for this method on this project. Additionally, the SWPPP shall include a dewatering plan detailing how Scott Creek will be dewatered during the open trench excavation for PG&E's utility line relocation. Finally, each SWPPP shall include final design plans showing the alignment of each utility line in relation to the existing and proposed site conditions, including I-880 and wetlands and other waters of the State on the site, and shall include all other information, as appropriate.

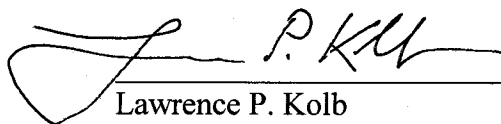
13. No later than 30 days prior to the initiation of its non-utility line relocation sub-project(s), Caltrans shall submit a SWPPP, acceptable to the Executive Officer, addressing the construction-stage impacts of its portions of the interchange project. The SWPPP shall be prepared according to the requirements of the applicable NPDES permits.
- 13a. No later than 30 days prior to the initiation of each of its non-utility line relocation sub-project(s), Caltrans shall submit, acceptable to the Executive Officer, full plans for each sub-project, including plans for all work in waters of the State. Such plans shall include appropriate details for any storm drain outfalls, bank stabilization, bridge piers, and all other work proposed in waters of the State.
14. Should discharges of ground water contaminated with suspended sediment or other non-storm water that has accumulated in utility trenches or other portions of the project be required, where such discharges are not otherwise covered by an applicable NPDES permit, such discharges may be allowed following the submittal of a discharge/treatment plan, acceptable to the Executive Officer, at least 14 days prior to such a discharge for the utility line sub-projects, or at least 30 days prior to such a discharge, for all other sub-projects.
15. No later than 30 days prior to the initiation of construction-related ground disturbance activities for its non-utility line relocation sub-projects of the interchange project, Caltrans shall submit, acceptable to the Executive Officer, a long-term storm water management plan (SWMP) that addresses the design and treatment measures Caltrans proposes to minimize impacts to beneficial uses resulting from runoff from the entirety of the project. The SWMP shall include a drainage plan for the entirety of the project site, cross-sections and typical designs of each storm water treatment measure (e.g., grassy swales, detention areas, etc.), a maintenance plan for all storm water treatment measures, and all other appropriate information.
16. No later than 30 days prior to the initiation of construction-related ground disturbance activities for its non-utility line relocation sub-projects of the interchange project, Caltrans shall submit, acceptable to the Executive Officer, a plan demonstrating that the portion of the interchange project utilizing tire shreds complies with the conditions of the Board's April 19, 2000, Waiver of WDRs for the use of tire shreds in this project. The

plan shall include plan views, cross sections, design details, a narrative description and all other appropriate information adequate to demonstrate compliance with the waiver of WDRs.

17. Caltrans shall notify the Board in writing at least 30 days prior to actual start dates for each phase of construction, including the start of each sub-project listed in the Findings.
18. Caltrans shall at all times fully comply with the engineering plans, specifications, and technical reports submitted with Caltrans' application for water quality certification and the completed report of waste discharge.
19. Caltrans is considered to have full responsibility for correcting any and all problems that arise in the event of a failure which results in an unauthorized release of waste or wastewater.
20. The discharge of any hazardous, designated or non-hazardous waste as defined in Title 23, Division 3, Chapter 15 of the California Administrative Code, shall be disposed of in accordance with applicable state and federal regulations.
21. Caltrans shall remove and relocate any wastes that are discharged at any sites in violation of this Order.
22. In accordance with Section 13260 of the California Water Code, Caltrans shall file with the Board a report of any material change or proposed change in the character, location, or quantity of this waste discharge. Any proposed material change in operation shall be reported to the Executive Officer at least 30 days in advance of the proposed implementation of any change. This shall include, but not be limited to, all significant new soil disturbances, all proposed expansion of development, or any change in drainage characteristics at the project site. For the purpose of these WDRs, this includes any proposed change in the boundaries of the wetland fill sites.
23. Caltrans shall maintain a copy of this Order at the project site so as to be available at all times to site operating personnel and agencies.
24. Caltrans shall permit the Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this Order.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Order.

- d. Sampling of any discharge or surface water covered by this Order.
- 25. These WDRs do not authorize commission of any act causing injury to the property of another or of the public; do not convey any property rights; do not remove liability under federal, state, or local laws, regulations or rules of other programs and agencies, nor do these WDRs authorize the discharge of wastes without appropriate permits from other agencies or organizations.
- 26. The Board will consider rescission of these WDRs upon project completion and the Executive Officer's acceptance of notices of completion of mitigation for all mitigation, creation, and enhancement projects required or otherwise permitted now or subsequently under this Order.

I, Lawrence P. Kolb, Acting Executive Officer, do hereby certify that the foregoing is a full, complete, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 21, 2000.

A handwritten signature in dark ink, appearing to read "L. P. Kolb", is written over a horizontal line.

Lawrence P. Kolb
Acting Executive Officer